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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

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NORMAN SMITH,

Petitioner,

Case No. 3:17-cv-00152-MMD-WGC

ORDER

STATE OF NEVADA, et al.,

Respondents.

On March 10, 2017, Norman Smith, who is apparently a prisoner at the Northern Nevada Correctional Center, submitted for filing a petition for writ of habeas corpus (ECF No. 1-1), a civil cover sheet (ECF No. 1-2), a motion to withdraw plea (ECF No. 1-3), an affidavit in support of an application to proceed *in forma pauperis* (ECF No. 1-4), a financial certificate in support of an application to proceed *in forma pauperis* (ECF No. 1-5), an affirmation stating that an application to proceed *in forma pauperis* does not contain the social security number of any person (ECF No. 1-6), a motion for appointment of counsel (ECF No. 1-7), and a motion to file opening brief and for scheduling order (ECF No. 1-8).

Smith has not paid the \$5 filing fee for this action, and, while he submitted an affidavit, a financial certificate, and an affirmation, all apparently in support of an application to proceed *in forma pauperis*, he did not submit an actual application to proceed *in forma pauperis*.

Furthermore, Smith's habeas petition is not on the form approved by the Court, and is incomplete and, as drafted, plainly without merit as it does not allege any violation of Smith's rights under the federal constitution or other federal law.

Moreover, the habeas petition, the affidavit in support of an application to proceed in forma pauperis, and the motion for appointment of counsel are captioned for filing in a state district court, and the motion to file opening brief and for scheduling order appears to be captioned for filing in the Ninth Circuit Court of Appeals. This raises the question whether Smith intends to initiate an action in this federal district court.

For all these reasons, this case will be summarily dismissed, without prejudice to Smith initiating a new habeas corpus action in this Court if that is his intention.

If Smith wishes to initiate a habeas corpus action, he must submit a fully completed petition for writ of habeas corpus on a correct form, together with payment of the correct filing fee or an application to proceed *in forma pauperis* on a correct form and fully completed.

It is therefore ordered that this action is dismissed without prejudice.

It is further ordered that the Clerk of the Court send to petitioner, along with a copy of this order, two (2) copies of the form for a petition for a writ of habeas corpus, and two (2) copies of the form for an application to proceed *in forma pauperis* for a prisoner, and any available instructions regarding those forms.

DATED THIS 15th day of March 2017.

MIRANDA M. DU UNITED STATES DISTRICT JUDGE